

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL SMITH, *et al.*,
Plaintiffs,
v.
ELEVADO DRINKS, LLC, *et al.*,
Defendants.

Case No. 1:25-cv-00571-CDB

ORDER ON THIRD STIPULATION
EXTENDING *NUNC PRO TUNC* TIME TO
RESPOND TO COMPLAINT

(Doc. 11)

Pending before the Court is the parties' third stipulated request to extend time for Defendants Elevado Drinks, LLC, Chaco Flaco Drinks, LLC, Hop the Wave Brewing Company, and Charles Moore (collectively, "Defendants") to file their responsive pleading to the complaint. (Doc. 11). The parties represent that Plaintiffs made a settlement offer to Defendants who have been discussing the matter and need additional time to negotiate. The parties request to extend the time for Defendants to file a responsive pleading to the complaint by one week, on or before August 4, 2025. (Doc. 11 at 2).

In the Eastern District of California, "[r]equests for Court-approved extensions brought on the required filing date for the pleading or other document are looked upon with disfavor." Local Rule 144(d). While the Court finds good cause to grant the requested extension, here, it should have become apparent to the parties that they required an extension of time for Defendants to file

1 a response to the complaint before the July 28, 2025, filing deadline. The Court disfavors granting
2 relief *nunc pro tunc* and admonishes the parties to exercise better care and to adhere to this Court's
3 Local Rules in all future filings.

4 **Conclusion and Order**

5 In light of the stipulation and good cause appearing, IT IS HEREBY ORDERED that
6 Defendants shall have until **August 4, 2025**, to file an answer or other responsive pleading to
7 Plaintiffs' complaint. *See* Local Rule 144(a).

8 Absent extraordinary circumstances, no further extensions of the filing deadline will be
9 granted and the scheduling conference set for August 11, 2025, will proceed. The parties are
10 reminded of their obligation to file a joint scheduling report no later than August 4, 2025 (*see*
11 Doc. 3).

12 IT IS SO ORDERED.

13 Dated: **July 29, 2025**

14 
UNITED STATES MAGISTRATE JUDGE